

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENARO D HERNANDEZ,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 2:24-cv-00982-JHC

ORDER

In two separate orders, the Ninth Circuit has remanded this matter to this Court “for the limited purpose of granting or denying a certificate of appealability.” Dkt. ## 35 (regarding Order at Dkt. # 22) & 36 (regarding Order at Dkt. # 24).

The Court may issue a certificate of appealability of its denial of a Petitioner’s Rule 60(b) motions if the Petitioner could show “that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion, and (2) jurists of reason would find it debatable whether the underlying section 2255 motion or section 2254 petition states a valid claim of the denial of a constitutional right.” *Martinez v. Shinn*, 33 F.4th 1254, 1261 (9th Cir. 2022). “To meet this standard, the petitioner ‘must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues in a different manner; *or*

1 that the questions are adequate to deserve encouragement to proceed further.’’ *Id.* (quoting
2 *Lambright v. Stewart*, 220 F.3d 1022, 1025 (9th Cir. 2000) (emphasis in original)).

3 Petitioner does not meet this standard. The Orders at issue concern a series of three Rule
4 60(b)(4) motions by Petitioner. Dkt. ## 14, 21 & 23. As explained in the Court’s Order at
5 Dkt. # 30, the motions are meritless, form, fill-in-the-blank style requests. Indeed, the Court has
6 ordered Petitioner to show cause why a vexatious litigant bar order should not be issued. *Id.*
7 Petitioner has not shown any basis upon which the Court’s denial of the Rule 60(b) motions may
8 be “debatable.” Thus, the Court DECLINES to issue a certificate of appealability.

9 Dated this 26th day of December, 2024.

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12 John H. Chun
13 United States District Judge
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